

**UNITED STATES COURT OF APPEALS  
DISTRICT OF COLUMBIA CIRCUIT**

333 Constitution Avenue, NW  
Washington, DC 20001-2866  
Phone: 202-216-7000 | Facsimile: 202-219-8530

Citizens for Responsibility and Ethics in Washington

V.

United States Department of Justice

(Type caption of lead case only)

Appeal No. 21-5276

Consolidated Case Nos.

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The Clerk is directed to tax costs, pursuant to Fed. R. App. P. 39 and Local Rule 39, for the docketing fee (receivable only by appellant/petitioner), and for the cost of reproducing only the number of copies of briefs and appendices which have been required to be filed with the Court or served on parties, intervenors and amici curiae, plus three copies for the prevailing party. Bills of costs must be filed within fourteen (14) days after entry of judgment. The Court looks with disfavor upon motions to file bills of costs out of time.

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**AMENDED BILL OF COSTS**

Comes now Citizens for Responsibility and Ethics in Washington (appellant, ~~petitioner, appellee, or respondent~~), (the) (a) prevailing party in Appeal Nos. 21-5276, by counsel, and states that costs have been incurred in said case(s) which should be taxed (solely) (~~jointly and severally~~) against the following (party) (~~parties~~)

**NAME OF PARTY OR PARTIES**

**APPEAL NO.**

(1) United States Department of Justice

21-5276

(2)

(3)

(4)

(5)

**MAIN BRIEF**

Total # copies of briefs		Pages, Covers or fasteners per brief	=	Total # of pages, covers or fasteners		Fee per page, cover or fastener	=	Subtotal
TEXT:								
8	X	72	=	576	X	\$ 0.12	=	\$ 69.12
COLOR:								
	X		=		X		=	
FRONT COVERS:								
8	X	1	=	8	X	\$ 0.42	=	\$ 3.36
BACK COVERS:								
8	X	1	=	8	X	\$ 0.41	=	\$ 3.28
FASTENERS:								
8	X	1	=	8	X	\$ 4.26	=	\$ 34.08
AMOUNT \$								109.84

**REPLY BRIEF (if applicable)**

Total # copies of briefs		Pages, Covers or fasteners per brief	=	Total # of pages, covers or fasteners		Fee per page, cover or fastener	=	Subtotal
TEXT:								
8	X	37	=	296	X	\$ 0.12	=	\$ 35.52
COLOR:								
	X		=		X		=	
FRONT COVERS:								
8	X	1	=	8	X	\$ 0.42	=	\$ 3.36
BACK COVERS:								
8	X	1	=	8	X	\$ 0.41	=	\$ 3.28
FASTENERS:								
8	X	1	=	8	X	\$ 4.26	=	\$ 34.08
AMOUNT \$								76.24

**APPENDIX**

Total # copies of briefs		Pages, Covers or fasteners per brief	=	Total # of pages, covers or fasteners		Fee per page, cover or fastener	=	Subtotal
TEXT:								
7	X	217	=	1,519	X	\$ 0.12	=	\$ 182.28
COLOR:								
	X		=		X		=	
FRONT COVERS:								
7	X	1	=	7	X	\$ 0.42	=	\$ 2.94
BACK COVERS:								
7	X	1	=	7	X	\$ 0.41	=	\$ 2.87
FASTENERS:								
7	X	1	=	7	X	\$ 4.26	=	\$ 29.82
AMOUNT \$								217.91

AMOUNT OF SUBTOTALS \$ 403.99

DOCKETING FEE (if applicable) \$ 505.00

TOTAL COSTS TO BE TAXED \$ 908.99

It is understood that the Clerk will tax costs only against those parties specifically named herein and in the amount which does not exceed either the specific sum claimed or the total allowable amount determined in accordance with Circuit Rule 39.

The costs claimed as actual costs are the actual costs incurred. A copy of the printer's/duplicator's bill, or other sufficient documentation of actual costs incurred, is attached.

Jessica A. Lutkenhaus

/s/ Jessica A. Lutkenhaus

Typed Name of Counsel

Signature of Counsel

Wilmer Cutler Pickering Hale and Dorr LLP

Counsel's Address

2100 Pennsylvania Avenue, Washington DC 20037

( 202 ) 663-6640

Counsel's Telephone Number

**VERIFICATION \***

State of

)

County of

)

SS:

)

COMES NOW \_\_\_\_\_, and being first duly sworn, does depose and state that (he) (she) signed the foregoing Bill of Costs, that the costs claimed therein were incurred in connection with the captioned appellate proceeding and, as set forth, are true and correct.

SUBSCRIBED AND SWORN TO before the undersigned, a Notary public, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

(Notary seal or stamp)

**COUNSEL SHALL ATTACH A CERTIFICATE OF SERVICE**

\_\_\_\_\_  
\*In lieu of this sworn verification, an unsworn declaration in conformity with 28 U.S.C. 1746 may be substituted.

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Amended Bill of Costs and accompanying Amended Declaration of Jessica A. Lutkenhaus were served through the Court's ECF system on all parties required to be served on February 14, 2023.

/s/ Jessica A. Lutkenhaus  
JESSICA A. LUTKENHAUS

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE D.C. CIRCUIT**

CITIZENS FOR RESPONSIBILITY  
AND ETHICS IN WASHINGTON

Appellant,

v.

UNITED STATES DEPARTMENT  
OF JUSTICE

Appellee.

No. 21-5276

**AMENDED DECLARATION OF JESSICA A. LUTKENHAUS  
IN SUPPORT OF BILL OF COSTS**

1. My name is Jessica A. Lutkenhaus. I am an attorney at Wilmer Cutler Pickering Hale and Dorr LLP (“WilmerHale”). I am counsel of record for Appellant Citizens for Responsibility and Ethics in Washington, the prevailing party in this case. I submit this declaration pursuant to 28 U.S.C. § 1746 in support of Appellant’s Amended Bill of Costs under Federal Rule of Appellate Procedure 39 and Circuit Rule 39.

2. I declare that I signed the Amended Bill of Costs accompanying this declaration, and that the costs claimed therein were incurred in connection with the captioned appellate proceeding and, as set forth, are true and correct.

3. The costs claimed for the reproduction of Appellant's opening brief and reply brief and the joint appendix, which are set forth on page two of the Amended Bill of Costs, are limited to the costs for reproduction and binding of the eight paper copies of the briefs and seven paper copies of the joint appendix that were filed as required by the Court's rules.

4. Appellant's opening brief, reply brief, and joint appendix were copied and bound in-house by employees of WilmerHale. We do not have an accurate method of determining the "actual cost" of in-house copying and binding, and therefore seek costs based on "the most economical means of reproduction available in the metropolitan Washington area" as determined by the Court's Notice dated August 1, 2018, [https://www.cadc.uscourts.gov/internet/home.nsf/Content/VL+-+Forms+-+Bill+of+Costs+2018/\\$FILE/BillOfCosts2018.pdf](https://www.cadc.uscourts.gov/internet/home.nsf/Content/VL+-+Forms+-+Bill+of+Costs+2018/$FILE/BillOfCosts2018.pdf). In determining the number of pages for the joint appendix, which the Court's rules permit to be copied on two sides of the page, we used half the number of numbered pages in the joint appendix. As shown on page two of the Amended Bill of Costs, the amount for copying and binding the briefs and the joint appendix based on the Court-determined rates totaled \$403.99.

5. The remaining item of costs claimed is the docketing fee. Attached as Exhibit 1 is a true and correct copy of a document titled "U.S. District Court District of Columbia Internet Payment History for Lutkenhaus, Jessica A.

11/29/2021 to 11/29/2021.” As the document indicates, the docketing fee was \$505.00.

6. Accordingly, as shown on page two of the Amended Bill of Costs, the total allowable costs for Appellant in this matter are \$908.99.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 14, 2023

/s/ Jessica A. Lutkenhaus  
JESSICA A. LUTKENHAUS

# EXHIBIT 1



## U.S. District Court

## District of Columbia

## Internet Payment History for Lutkenhaus, Jessica A.

11/29/2021 to 11/29/2021

Case no.	Date Paid	Description	Payment Method	Receipt #	Amount
<a href="#">1:19-cv-03626-DLF</a>	2021-11-29 14:21:38	Notice of Appeal to DC Circuit Court( <a href="#">1:19-cv-03626-DLF</a> ) [appeal ntcappat] ( 505.00)	cr card	ADCDC-8892847	\$ 505.00